

United States Attorney
Northern District of Illinois

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February 20, 2008

Via Federal Express

Robert Habib
77 W. Washington St.
Suite 411
Chicago, IL 60602

Eugene Steingold
111 W. Washington St.
Suite 1050
Chicago, IL 60602

Stanley Hill
651 W. Washington Blvd.
Suite 205
Chicago, IL 60661

Re: *United States v. Henderson, et al.*, Case No. 08 CR 106 (N.D. Ill.)

Dear Mr. Habib, Mr. Steingold and Mr. Hill:

Pursuant to Local Northern District of Illinois Rule 16.1 and Rule 16 of the Federal Rules of Criminal Procedure, I disclose the following:

1. Statements of the Defendants

Enclosed is a cd marked "Henderson 001, 2-19-08." The cd contains reports of statements by the defendants, located in the file labeled "LE_Reports." Also enclosed are instructions to access the material on the cd.

2. Results of Examinations, Tests or Experiments

None known.

3. Grand Jury Testimony by the Defendants

The enclosed cd contains a grand jury statement by defendant Lando, located in the file labeled "GJ_Testimony."

4. Defendants' Criminal Records

The enclosed cd contains criminal history reports of the defendants, located in the file labeled "Crim_History."

5. Defendant's Property in Government's Custody

None known.

6. Evidence Favorable to the Defendants

None known.

Although Rule 16 does not require it at this time, I am also enclosing recorded conversations in which one or more of the defendants participated (on discs H1 through H12), and the grand jury testimony of James Williams and James Robert Thomas (located in the file labeled "GJ_Testimony").

In return, I am requesting all discovery material to which the government is entitled including but not limited to:

1. The opportunity to inspect and copy anything you may mark as an exhibit at trial;
2. The results of any examination or test that the defendant may raise at trial;
3. Notice of any alibi or similar defense the defendant intends to raise, including the defense of necessity or coercion and any defense asserting the defendant's unavailability on or near the dates named in the indictment; and
4. Notice of any defense that may possibly be raised of a mental defect inconsistent with the state of mind required for the offense charged.

Pursuant to Local Rule 16.1, it is also agreed that at the pretrial conference the parties will confer and attempt to agree on a timetable and procedures for the following:

1. Preserving the written notes of government agents;
2. Identification and notification of evidence the government intends to introduce pursuant to Federal Rule of Evidence 404(b);
3. The filing of a proffer made within the scope of United States v. Santiago, 582 F.2d 1128 (7th Cir. 1978);
4. The filing of materials subject to 18 U.S.C. § 3500; and
5. Any other preliminary matters where such agreement would serve to expedite the orderly trial of the case.

One additional matter for your consideration is the subject of plea negotiations and/or the possibility of cooperation. As you know, a defendant's timeliness in manifesting an acceptance of responsibility is one of the elements to be considered in determining whether to reduce the adjusted


offense level under the United States Sentencing Guidelines. Based on my assessment of the evidence in this case, I will need to begin trial preparation no later than four weeks before the scheduled trial date. Please note in this regard that once I begin trial preparation the defendants may become ineligible for a one-level reduction under Guideline § 3E1.1(b).

Please sign and return a copy of this letter to me. Your signature will stand as your acknowledgment of your continuing obligation to make all disclosures required by Federal Rules of Criminal Procedure 16 and 24, an acknowledgment I make now.

Very truly yours,

PATRICK J. FITZGERALD
United States Attorney

By:


LISA M. NOLLER
Assistant U.S. Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-5314

ACKNOWLEDGED: _____

DATE: _____

Enclosures

cc: Megan Church (w/encl)